

Docket Item #6

Special Use Permit #2013-0076

5 Cameron Street – Blackwall Hitch Alexandria

Application	General Data	
Consideration of a request to operate a restaurant with indoor live entertainment and outdoor dining in the former Food Court Pavilion.	Planning Commission Hearing:	December 3, 2013
	City Council Hearing:	December 14, 2013
Address: 5 Cameron Street	Zone:	CD/Commercial Downtown
Applicant: Blackwall Hitch Alexandria, LLC represented by Duncan Blair, attorney	Small Area Plan:	Waterfront Small Area Plan

Staff Recommendation: Approval of the SUP subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section IV of this report.

Staff Reviewers:

Richard Lawrence, AICP, richard.lawrence@alexandriava.gov

Alex Dambach, AICP, alex.dambach@alexandriava.gov

Nancy Williams, AICP, nancy.williams@alexandriava.gov

CITY COUNCIL ACTION, DECEMBER 14, 2013: City Council approved the Planning Commission recommendation, with the understanding that the City will work with the applicant on the public restroom, parking, trash and loading areas.

PLANNING COMMISSION ACTION, DECEMBER 3, 2013: On a motion by Vice Chair Dunn, seconded by Commissioner Wagner, the Planning Commission voted to recommend approval. The motion carried on a vote of 6 to 0.

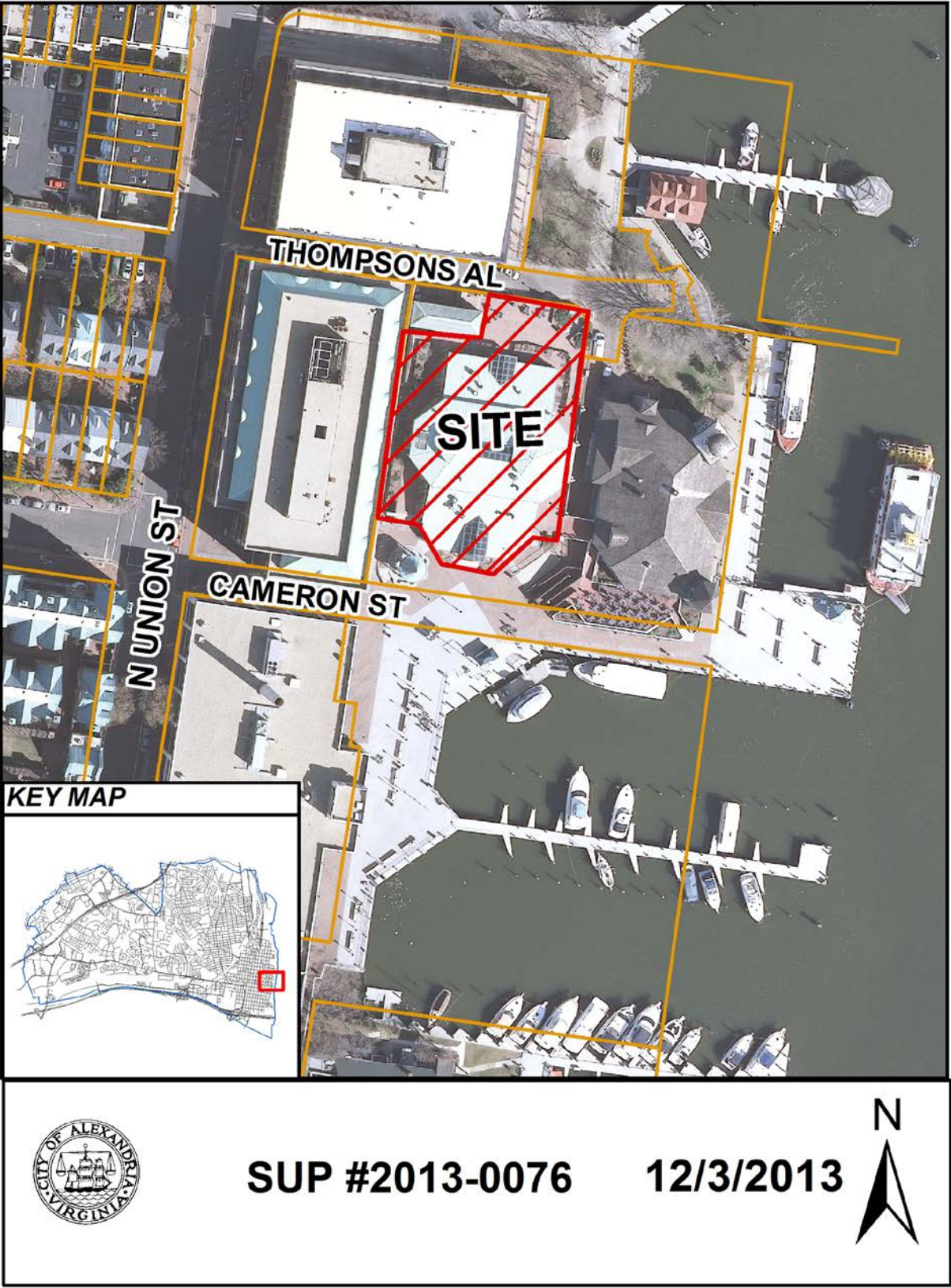
Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Duncan Blair, representing the applicant, spoke in support of the request. Mr. Blair stated that Recommendation 3.65 of the Waterfront Small Area Plan calls for this building to be renovated for a use such as this. Mr. Blair noted that the building was unsuccessful in its operation as a food court and the owners have sought to occupy the space for the last two years. Mr. Blair presented drawings of the proposed design stating that the new design would bring the building down to engage the City marina and attract people to the activity along the waterfront. Mr. Blair stated that a key objective to the parking is to maximize the use of the Thompson's Alley garage which is directly below the restaurant.

Paul Hortel, 1217 Michigan Court, spoke to address the Old Town Restaurant Policy and the need to address issues such as parking as new or expanded restaurants are proposed. Mr. Hortel stated

the purpose was to protect neighborhoods and the balance of uses between residential, retail, and residential. Mr. Hortel believes that staff should place additional emphasis on parking to prevent conflicts between residents and the patrons of restaurants on a citywide basis.



I. DISCUSSION

REQUEST

The applicant, Blackwall Hitch Alexandria, LLC, requests Special Use Permit approval to operate a restaurant (Blackwall Hitch) with indoor live entertainment and outdoor dining at 5 Cameron Street.

SITE DESCRIPTION

The subject site is on one lot of record with approximately 247 feet of frontage on Cameron Street and approximately 217 feet of depth for a total area of approximately 53,477 square feet. The lot is developed with two buildings: the Torpedo Factory Food Pavilion (Food Court) and the Chart House restaurant. The subject site of this special use permit application is Food Court building.

The site is part of a complex of buildings bounded by King Street on the south, Queen Street on the north, Union Street on the west and the Potomac River on the east. It consists of the Torpedo Factory and City Marina Plaza complex and contains a mix of commercial, cultural, recreational, and office uses. The Food Court building adjoins the Torpedo Factory Office Building to the west; the City Marina to the south; Thompson's Alley to the north; and the Chart House Restaurant and Potomac River to the west. The Food Court building is elevated above a city-owned parking garage.

The subject site is located within the Old and Historic Alexandria Historic District. Any exterior changes to the building that are visible from a public-right-of-way, including but not limited to installation of new signage, window decals, window replacements, roofing, repairs to the exterior masonry, exterior light fixtures, awnings, and any exterior demolition or encapsulation greater than 25 square feet requires approval by the Board of Architectural Review (BAR).

BACKGROUND

5 Cameron Street is one of the five buildings that comprise the Torpedo Factory and City Marina Plaza complex. Four of these buildings sit on land owned by the City that is leased to Alexandria Waterfront Associates, LP (The Realco Group):

- 5 Cameron Street (the site in question),
- 1 Cameron Street (Chart House Restaurant),
- 201 North Union Street (The Torpedo Factory Office Building), and
- 101 North Union Street (Office/Retail).



5 Cameron Street – from City Marina



Rear deck on northern portion of site proposed for outdoor dining

The other building in the complex is the City-owned Torpedo Factory Art Center at 105 N. Union Street.

The Food Court is located on lease areas 2A and 2B of the Deed of Lease Agreement between the City of Alexandria (Landlord) and the Alexandria Waterfront Restoration Group (Tenant) dated March 27, 1986. On October 18, 1986, the City Council granted Special Use Permit (SUP) #1945 to Alexandria Waterfront Restoration Group to operate a Food Court with nine vendor areas and open seating for 200 patrons. On April 17, 1993, City Council granted SUP #1945-C which allowed a change in the hours of operation, an increased amount of seating to 350 patrons, and a waiver of certain floodplain requirements for the storage of portable food carts beneath the Chart House Restaurant. The applicant also requested approval for live entertainment at that time to allow for piano, guitar, big band or jazz band music but withdrew that portion of the request because of staff and area resident concerns about parking. In 1998, an SUP application was submitted requesting the addition of live entertainment to a restaurant that had occupied the Food Court at that time. That application was later withdrawn. At that time, staff and City Council thought live entertainment would increase the number of people attracted to the area, and this was not considered desirable because of parking concerns. Since that time, the City adopted the Waterfront Small Area Plan, which envisions a lively and active Waterfront that attracts greater numbers of people and conducted a study identifying existing available parking, so staff's position on the types of activities and businesses suitable for this area has evolved.

For several years the Food Court struggled to maintain vendors, and it lacked a long term tenant. It ultimately went vacant in December 2011 and has remained unoccupied since then.

After the Food Court's closing, the City held several meetings with the Alexandria Economic Development Partnership (AEDP) and real estate professionals. The City met with Realco, a representative of the lessee, in November 2012 to encourage a marketing strategy for attracting a new long term tenant. The City then met in February 2013 with Realco and The Rappaport Company, who was the new realtor of the property. Another meeting was held in February 2013 with the Waterfront Commission to discuss the active marketing of the site. As an interim solution to keep the area activated during the marketing process, the City installed and maintained an Interim Civil War Exhibit in the exterior glass panels for a brief period.

The site is surrounded by active land uses. Cultural activities are held at the adjacent Torpedo Factory Art Center and the Alexandria Archeology Museum. Retail shops, a café, and a yogurt shop are also located within the Torpedo Factory building arcade. Also, a newly approved Waterfront Market with indoor and outdoor dining was approved by the City Council in May 2013 and is opening in Fall 2013. Additional retail shops and restaurants are located south of the area between The Strand and Union Streets, King and Duke Streets, and westward along King Street. Office buildings buffer the site from residential condominiums to the north and west. The Old Town portion of King Street continues westward for one mile to the King Street Metrorail station, with an active mix of retail and restaurant establishments and commercial and civic uses. The King Street Trolley route runs from the Metrorail Station to the eastern terminus and unit block of King Street very close to the site.

PROPOSAL

The proposed Blackwall Hitch restaurant would occupy the building at the site in question at 5 Cameron Street. A City-owned parking garage could continue to operate below this building with access from Thompson's Alley. The restaurant would front on Cameron Street next to the Chart House Restaurant and near the street's terminus at the river. The Blackwall Hitch would occupy the entire building as well as the upper outside platform/patio on the northern side of the building. This is an area where outdoor dining would be located. The building currently has approximately 13,841 square feet of floor area plus patio space. The site would accommodate 450 total seats, including 255 indoor seats, 135 rear deck outdoor seats, and 60 seats in a solarium that may be removed and converted from indoor to outdoor dining space.

Inside the restaurant, the 255 seats would be dispersed throughout the building and distributed in small and intimate bar, lounge, and dining areas on the main and mezzanine levels. Indoor features would include an oyster bar, chef's exhibition area, and private dining areas for patrons. The 135 rear-deck outdoor dining seats are to be distributed in two outdoor dining spaces, an outdoor bar, seats at a bar with rollup windows on the eastern elevation, and around 5 outdoor fire pits. The applicant does not plan for the restaurant to be fully occupied with use of all 450 seats at any given time, but 450 seats are needed to fill the cavernous building and large patio areas. The applicant anticipates that the restaurant will serve approximately 220 patrons at a time on weekdays and approximately 350 patrons at a time on weekends.

Part of the building includes a solarium fronting on the Marina. The applicant has indicated that it is considering removal of this solarium and that 60-seat area would be converted from indoor dining space to outdoor dining space. If this solarium remains, its dark glass panels facing the Marina would be replaced with retractable glass walls to provide patrons with views of the Marina and Potomac River. The retractable glass walls would need to be screened, consistent with Health Department regulations. If, however, the solarium was to be removed, that area would become a marina-facing deck area for open-air dining. The removing of the solarium would open the main dining area to views of the river and Marina and would create an opportunity for a fully revised façade for the structure. All of these design modifications are consistent with the recommendations in the Waterfront Master Plan and would be subject to OHAD Board of Architectural Review approval.

The restaurant is proposed to be open for lunch and dinner during the weekdays, and open for breakfast, lunch, and dinner on weekends offering locals, boaters and visitors "New American Cuisine" prepared by a high caliber chef. The menu is proposed to include seafood, salads, burgers, steaks, small plates, flatbreads and a variety of specialty items. An assortment of beverages, including wine and beer for on-premises sale is proposed. Televisions would be placed behind the bar counter for entertainment.

With enhanced lighting, improved landscaping, and indoor/outdoor dining, Blackwall Hitch would be visible to pedestrians, bicyclists, Water Taxi passengers, and others, thus making the area more inviting and enlivening the space in the evening year-round. Live entertainment is proposed inside the restaurant only. The outdoor dining area would have background music transmitted through directional speakers with mitigating technology to minimize noise transmittal beyond the site in accordance with City Code. Staff believes that outdoor live

entertainment is appropriate in this area and would not create adverse noise issues and has recommended approval conditions in Section IV of this report for that purpose.

Operation would include:

<u>Hours (Indoors):</u>	11:30am – 2:00am, Monday – Friday 7:00AM – 2:00AM, Saturday - Sunday
<u>Hours (Patio):</u>	7:00AM – 11:00PM, Daily
<u>Number of seats:</u>	450 seats total (includes seasonal outdoor dining): 255 indoor seats, 135 rear deck outdoor seats, and 60 solarium seats
<u>Type of Service:</u>	Dine-in
<u>Alcohol:</u>	On premise alcohol sale is proposed.
<u>Entertainment:</u>	Live entertainment is proposed to include jazz/acoustical acts to provide background and ambient music indoors as well as several large-screen televisions located by bar areas.
<u>Delivery:</u>	No customer delivery service is proposed
<u>Noise:</u>	Noise levels are to be consistent with the City Code requirements.
<u>Trash/Litter:</u>	Food wrappers, bottles, cans, utensil waste and other debris would be collected and transported to the Torpedo Factory/Food Court Complex loading and unloading dock area off Thompsons Alley where dumpsters are located; the restaurant is anticipated to generate approximately two dumpster per day and debris would be collected by a commercial collector six days a week. Employees would monitor the vicinity for litter.

LEASE AGREEMENT

As noted above, the applicant's proposal is located on Lease Areas 2A and 2B (See Lease Areas graphic in Section III of this report) on the lease agreement between the City of Alexandria and Alexandria Waterfront Restoration Group (now Alexandria Waterfront Associates) dated March 27, 1986. Based on the applicant's proposal, staff determines that no amendments to the lease agreement are required. The tenant (Alexandria Waterfront Associates, LP) and subtenant (Blackwall Hitch Alexandria, LLC) will be in compliance with the terms and requirements contained in the lease agreement. Staff and the applicant have addressed elements of the lease such as landscape and garage area maintenance and operation through other avenues that will not require changes to the existing lease.

ZONING/MASTER PLAN DESIGNATION

The subject property is in the CD/Commercial Downtown zone (Section 4-503 (W) of the Zoning Ordinance) which allows restaurants with a Special Use Permit. The CD/Commercial Downtown zone is intended to provide for an urban mix of retail, office, service, hotel, residential, and civic functions for the City's downtown business core. Additionally, the property is located within the Central Business District (CBD) which provides additional regulation on restaurants within the CBD per Section 8-300 (B).

The proposed restaurant use is within the boundaries of the Waterfront Small Area Plan planning area which encourages active uses and amenities along the Waterfront such as retail, restaurants, Waterfront dining, enhanced parks and public space and programming.

PARKING

The subject property is located within the Central Business District (CBD). According to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from parking requirements. Given the size and scale of the restaurant the applicant has submitted a parking plan to address how anticipated patrons and employees can access the restaurant through a variety of transportation modes.

The proposed restaurant is also located in the Waterfront Small Area Plan area. During the early stages of Waterfront Small Area Plan development, the City undertook the Old Town Area Parking Study which showed the availability of 2,693 public on- and off-street parking spaces in the area between Duke Street and Princess Street and between Pitt Street and the Potomac River. Of those spaces, 721 were available on a Friday evening during peak hours (6-8 pm), thus giving visitors to lower King Street and the Waterfront ready access to parking. Because of the availability of nearby public parking and the many multi-modal options for accessing this site, parking is not anticipated to be an issue. For example, the restaurant site has a prominent location that is highly visible to pedestrians at the Marina, riverfront park trails, the Seaport Foundation office, and other office buildings. It is within walking distance of other Old Town attractions, hotels, and residences and is in close proximity to the free King Street Trolley stop at the intersection of King Street and Union Street that routes passengers from the King Street Metrorail station. The site is adjacent to the Water Taxi service at the City Marina which brings visitors from National Harbor and the District of Columbia. Additionally, bicyclists can park in a new bicycle corral at Union and King Streets, use rented bicycles from The Strand, or obtain a bicycle from the Capital Bikeshare, which has a docking station at Union and Prince Streets. Additionally, the applicant has indicated that management will encourage employees to use mass transit and provide employees with a parking or transit subsidy. The applicant also indicated that the restaurant's website and print advertisements will contain information about the availability of parking in Thompson Alley and adjacent garages. Furthermore, the restaurant staff will advise patrons making reservations of available parking garages including the Thompson Alley's Garage. The applicant also offered to implement and advertise a program to subsidize the cost of patron parking by offering one dollar (\$1) off for each diner that presents a parking ticket to the staff at the time the patron requests its bill.

Although parking demand generated by this project is not anticipated to have a negative impact on surrounding residential blocks, in order to further minimize any potential spillover effect, staff proposes the following tiered parking management approach:

1. Employees must park off-street, preferably in the Thompson Alley garage according to the terms of lease between the City and the tenant.
 - a. The applicant shall conduct a parking survey every six months to document how many employees drive to work and where they park.
 - b. The applicant shall provide Capital Bikeshare memberships to its employees per employee request.
 - c. If City staff finds parking conditions in the area to be significantly impacted by on-street employee parking based on the biannual employee parking survey results conducted by the applicant and, the applicant shall lease employee parking spaces in off-street facilities.
2. The applicant will encourage patrons to park off-street through information about nearby garages and through subsidies of off-street parking.
 - a. The City will monitor on- and off-street parking in Old Town as milestones in Waterfront Plan implementation occur, as outlined in the Waterfront Small Area Plan and discussed by the Old Town Area Parking Study (OTAPS) work group.
 - b. If City staff finds parking conditions in the area to be significantly impacted by patron parking, the applicant will take steps to mitigate that impact, such as participating in a citywide parking valet program (if offered by the City at that time) or provide a private in-garage valet service to increase the capacity of the Thompson Alley Garage and to utilize other off-street parking options.

In order to make the Thompson Alley garage more appealing, and in accordance with the City's Wayfinding and Signage Program, City staff is planning to add a parking directional sign in the public right-of-way at the intersection of Union Street and Thompson's Alley to direct patrons down the alley to the garage. The Department of General Services is also planning to paint the entire garage, restripe the spaces and curbs, and improve the lighting inside of the garage.

PUBLIC OUTREACH

The applicant held a presentation to the Waterfront Commission on October 15, 2013, and it has presented this project to the leadership of the Old Town Civic Association and the King Street Merchants Association. It will continue its outreach with community stakeholders.

II. STAFF ANALYSIS

Staff recommends **APPROVAL** of the proposed new restaurant. The new use is proposed to occupy the Food Court Pavilion that has been vacant and marketed for almost two years and was underutilized for years prior to that. As expressed in the Waterfront Plan, the King Street Retail Strategies, and in other forums, it has been a high priority of the community for the building to be renovated or replaced, for there to be additional Waterfront dining options, for the dining options to be complimentary to the existing Chart House and the new Waterfront Market, and for the Marina and Strand areas of the Waterfront to be lively and vibrant.

City Plans and Policies

Waterfront Small Area Plan

A key goal of the Waterfront Small Area Plan, adopted in 2012, is to create a living and active Waterfront that is welcoming to all Alexandrians and visitors through:

- an expansion and enhancement of public spaces with amenities such as a public pier near King Street with space for a historic ship,
- expanded and enhanced parkland along the Waterfront with passive and programmed activity areas,
- an Art Walk that integrates art and history and connects spaces in an engaging and accessible manner,
- an increase in services such as outdoor Waterfront dining, retail and cultural venues, particularly in the core area from Queen Street to Duke Street, and
- transformation of the intersection of King Street and The Strand into a high quality public space that serves as the hub of Waterfront activity and the key link between the Waterfront and the activity of King Street..

Recommendation 3.56 in the Waterfront Small Area Plan is: “Work with the leaseholder of the Food Court to attract more successful uses that better meet resident and visitor needs, including options such as a market hall, cultural venue, restaurants or shops featuring locally-made goods. The Plan supports interior and exterior changes to the Food Court structure, including replacement, that are necessary to accommodate more successful uses. A renovated or replaced Food Court structure should be designed to actively engage with Torpedo Plaza and Marina activity, better address the use conflicts and other design problems in Thompsons Alley, and generally maintain a similar height and footprint as the current building.”

This application is consistent with the goals of the Waterfront Small Area Plan. This restaurant would be one of the first places visitors will see as they disembark from the Water Taxi, thus drawing them to it and to other parts of the area where they can visit the Torpedo Factory Art Center, shop in the retail stores along Union and King Street, rent a bicycle on The Strand, or enjoy other nearby establishments and cultural institutions.

King Street Retail Strategy

The City undertook two retail studies for King Street in 2005 and 2009 to look for ways to strengthen and sustain the economic and cultural qualities that make King Street such a unique and special destination. It is the City’s Main Street for residents and visitors, and it is important to maintain its vitality. While this project does not directly front on King Street, its proximity to King Street, the Torpedo Factory Marina, and the Water Taxi station make the location of this project a catalyst to further attract residents and visitors to the area potentially increasing activity along King Street and the Waterfront area. The studies indicated that the Waterfront could serve as an anchor for the foot of King Street in much the same way that the Metro station serves as the anchor for the western end. The 2009 study showed that Old Town can support 250,000 square feet of additional retail and restaurant space, generating more than \$100 million in additional annual sales revenues by capturing local and regional spending occurring elsewhere. The study

also suggested that local Alexandrians were disappointed with the range of offerings at the Waterfront and would support additional dining and retail options. This project is in keeping with this finding and can add to the mix of retail space by offering food and beverage for onsite consumption and entertainment.

King Street Outdoor Dining Overlay Zone

The King Street Outdoor Dining Overlay Zone, adopted in 2007, liberalized outdoor dining, standardized guidelines, and streamlined City approvals. Today, most restaurants along King Street and the general vicinity offer seasonal outdoor dining, which is very popular, increases economic activity and enlivens the streetscape. Near this site, a Starbucks and the Mai Thai Restaurant both on the south side of the unit block of King Street have outdoor seating regulated by the King Street Outdoor Dining Overlay Zone. The proposed restaurant, due to its location along the Waterfront one block away from King Street, is not subject to the King Street Outdoor Dining Program restrictions, but several elements of the policy are applicable to this special use permit. Other Outdoor Dining Program restrictions, such as seasonal limits and limits on the use of sidewalk space, are not suitable to this site, since the outdoor dining is not in the public right of way and would have infrastructure to operate year-round in a setting quite different from the King Street corridor.

For example, the recently approved Waterfront Market (SUP#2013-0009) located within the Torpedo Factory Building at 101 N. Union Street will have both outdoor dining along King Street as well as on a portion of the City Marina. As a part of that approval, the conditions placed on the outdoor seating elements (tables, chairs, umbrellas, awnings, railings) located along the Marina could be somewhat less strict than the King Street Outdoor Dining requirements for the following reasons: 1) the location of the outdoor dining along the Marina is managed through a lease agreement between the City and the applicant; 2) the larger physical space of the location along the Marina is not as constrained as the sidewalks of King Street; and 3) the Waterfront Small Area Plan envisions increased year-round activity along the Waterfront.

The outdoor seating proposed under this project would place outdoor dining at the northern and eastern side of the building and possibly at the southern end if the solarium structure is removed. Although it is not appropriate for this application to meet all of the King Street Outdoor Dining Policy Design Guidelines, staff has conditioned that the design of outdoor fixtures and furniture be consistent with the appearance and quality standards in those guidelines (i.e., tables and chairs would not be permitted to be white plastic, etc.). The applicant shall submit illustrations and specifications to the Director of Planning and Zoning or, if required, the Board of Architectural Review, for review and approval. In addition, the closing hour for outdoor dining will be limited to 11:00 PM, consistent with the King Street Outdoor Dining Policy and recent restaurant approvals in the vicinity. Staff supports the outdoor dining as proposed by the applicant as it meets unmet demand for outdoor dining along the Waterfront and would add activity to the area.

Old Town Restaurant Policy

The Old Town Restaurant Policy requires a finding that any new or expanded restaurant in the neighborhood will not significantly impact nearby residential neighborhoods. More specifically it asks that that each restaurant be reviewed with regard to the following factors: the impact of

the restaurant on parking in the adjacent neighborhood, late night hours, predominance of alcohol, litter, and diversity of uses.

A) Availability of Off-Street Parking:

A large, 450 seat, restaurant has the potential for competing with residents for on-street parking in the area. The recent Old Town Area Parking Study showed that despite the popularity and consistent use at peak times of on-street parking in areas such as lower King Street, South Union Street, and the nearby residential streets, the garages in the vicinity have excess capacity. To increase the utilization of these facilities, the City and local businesses are funding mechanisms to attract customers to use available off-street parking. Through such mechanisms as the City's new Wayfinding Program, garages are becoming more attractive to parkers due to their convenient location, good signage, and inexpensive rates.

The restaurant site is elevated above the City-owned Thompsons Alley garage, which has 68 spaces and is operated by Republic Parking. The operations and maintenance of the garage are governed by the March 27, 1986 lease agreement. Per that lease agreement as well as SUP #1945, the Thompson's Alley Garage as well as the Torpedo Factory Residences public garage, located off Union Street, are to provide sufficient parking for the Food Court (site), Chart House, and the Torpedo Factory Condominium residences. In working with City staff, the applicant and staff have identified needed physical improvements to the Thompsons Alley garage including lighting, painting, drainage, and general maintenance. The City assumes responsibility for the maintenance and operation of the garage and has begun the process for identifying the costs and prioritizing these improvements based on funding availability. The applicant will continue to work with the City to aid in maximizing the utilization of the garage.

The applicant has compiled a multi-strategy parking plan which relies heavily on advertising and Internet interactivity to direct patrons to garages as well as public transportation. The applicant is proposing to provide information via its website and print material about the availability of parking in the Thompson Alley garage and other nearby garages, advise patrons of available parking at other locations, provide links to the City's wireless remote parking payment provider, and provide taxi cab or similar services to patrons upon request. Most importantly, the applicant has proposed to implement a program to subsidize the cost of patron parking by offering a one dollar (\$1.00) off discount for each diner that presents a parking ticket to staff at the time the patron requests its bill. Staff welcomes this effort and believes it is an incentive that should be attractive to restaurant customers and will help inform them of nearby off-street parking options. Finally, the applicant is suggesting that signage be added along Union Street directing customers to the parking garage at Thompsons Alley. If the applicant's parking proposal is successful, it should benefit the nearby residential area by minimizing competition for parking spaces there. Staff has added condition language which incorporates the applicant's parking efforts, acknowledging that components of the plan may change over time, and allowing changes with staff approval.

B) Hours and Alcohol

The hours are noted above with a closing time of 2:00 AM daily. For the outdoor dining, closing is proposed to be at 11:00 PM daily consistent with the Standards for Outdoor Dining under the King Street Outdoor Dining Overlay Zone (Section 6-805(E) of the Zoning Ordinance). Hours will be posted appropriately and, through conditions of this approval, the applicant will be required to comply with the designated closing times. These business hours correspond with other restaurant establishments in the vicinity and along the waterfront. The Chart House is approved to operate until 2:00 AM daily per SUP1944. Additionally, Chadwick's, located along the Strand, operates until 2:00AM daily and Union Street Public House (along South Union Street) operates until 2:00AM on Saturdays and Sundays. Other Old Town restaurants such as The Wharf and 100 King Street (formerly Red Curry) are grandfathered to operate until 2:00AM. The restaurant is in a mixed use area that is reasonably distant from residences. The Torpedo Factory Offices to the west and the office building to the north of the Pavilion buffer residential units along North Union Street from the site.

While this application does include live entertainment, staff does not anticipate negative impacts to the surrounding area. The live entertainment will be limited to indoors only providing ambient/background music for patrons and would be subordinate to the restaurant use. No admission or cover fee shall be charged for live entertainment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment to the principal function of the restaurant as an eating establishment by featuring the food service as well as the entertainment. The applicant has been notified that noise levels shall not exceed 60 decibels measured at the property line per the Alexandria City Code and staff has conditioned these requirements in Section IV of this report. On a limited basis, when sound is transmitted to the outdoor dining areas it will be managed through the use of directional speakers and other noise mitigating tools. Outdoor activity must be discontinued at 11:00 PM consistent with the King Street Outdoor Dining program. Staff finds that these conditions are consistent with City policy and will reduce the potential of late night problems.

C) Extent of Litter Impact

Although litter is not anticipated to be an issue by the applicant, the establishment will be required to monitor the site and the adjacent areas for debris and shall, through a condition of this approval, remove and dispose of it in a timely manner to an appropriate space. The space is part of the Torpedo Factory and/City Marina Plaza complex loading and unloading dock area which provides dumpsters where such debris and other waste can be disposed.

D) Diversity of Uses

The restaurant would add a complimentary use to the King Street and Waterfront retail areas. It would offer breakfast, lunch, and dinner on weekends offering locals, boaters and visitors "New American Cuisine" prepared by a high caliber chef complimenting the variety of cuisine types offered in the area. The proposed menu includes seafood, salads, burgers, steaks, small plates, flatbreads and a variety of specialty items. An assortment of beverages, including wine and beer would also be provided. Additionally, there are very limited opportunities in the Old Town/Waterfront area where local residents can enjoy a meal and live entertainment

simultaneously. This restaurant would also differentiate itself by offering year-round waterfront outdoor dining, river views from dining areas, and indoor live entertainment which is in high demand by local residents and visitors. Staff finds benefit in the increased vibrancy of activity and people to the Waterfront consistent with the objectives of the Waterfront Small Area Plan and the King Street Corridor Study.

Design

The restaurant would occupy the entire Food Court structure creating separate and unique dining, bar, and lounge areas on the ground and mezzanine levels. The current external structure and footprint will not change unless the solarium is removed. Staff is requesting some enhancements to make the building more attractive and clean such as lightening the glass, adding a cupola, creating a new entrance, painting the building and removing unneeded smoke stacks and other mechanical equipment from the roof. If the solarium is removed, the building would have a new façade with windows from the main dining area facing the Marina. The goal of the improvements is to enhance the architecture with clean lines and expansive volume, abundant glass for vistas of the river, indoor and outdoor dining spaces, and multiple levels to create spatial variety around the site and within the restaurant. The interior is contemplated to be an “urban chic” design realized through the use of high quality textiles, fixtures, colors, and extraordinary lighting.

As part of the Waterfront Small Area Plan planning process, the Food Court was envisioned to provide increased visibility within the restaurant through clear glass as well as outdoor seating along the Marina. The design submitted with this plan shows two solarium dining areas along the Marina with retractable glass walls that would increase visibility into the restaurant and provide indoor/outdoor seating, weather permitting. The applicant acknowledges that working with staff on the exterior design changes including the cupola and new entrance to the Pavilion, replacement of glass, and other design improvements will be required as part of BAR approval.

Old & Historic Alexandria District (OHAD) BAR Review

The proposed exterior changes to the building will require review from Historic Preservation staff and approval by the OHAD Board of Architectural Review. The applicant anticipates submitting drawings to the OHAD BAR subsequent to approval of this SUP. The design improvements and alterations to the building include a new signature entrance via a glass cupola to rebrand the building, new awnings, and replacement sliding doors. The applicant is aware that approval for a Certificate of Appropriateness from the OHAD Board of Architectural Review prior to the installation of these items is required. Any other exterior changes to the building that are visible from a public-right-of-way, including but not limited to, new signs, window replacements, roofing or siding material replacement, trellis, fencing, exterior light fixtures, new exterior vents, and any exterior demolition or encapsulation greater than 25 square feet requires approval by the Board of Architectural Review.

Public Amenities

With this application, the applicant proposes to provide space in the western portion of the building to allow for public restrooms. Public restrooms along the Waterfront have been a much

desired amenity since the restrooms in the Torpedo Factory Art Center close after business hours. Additionally, restrooms are recommended by the Waterfront Small Area Plan and the Waterfront Commission has subsequently reiterated its support for public restrooms in this location. Working with staff, the applicant has agreed to provide space, utility connections, and rough-in construction for public restrooms to serve the Marina and Waterfront. Through this partnership, the City acknowledges responsibility for the final design and finish of the public restrooms as well as the operations and maintenance. As part of the overall Marina improvements area, the City will seek to provide screening along the western portion of the site adjacent to the public restrooms so as to not adversely affect the adjacent office tenants or patrons of the restaurant. Additionally, when the City determines an alternate location for public restrooms elsewhere at the Torpedo Factory and City Marina Plaza complex as part of the Waterfront Small Area Plan Implementation process, the area designated for public restrooms shown on the plan drawings will revert back to the control of the lessee.

While not a part of this application, the applicant has discussed working with other subtenants/businesses and the City to help activate the gazebo/bandstand immediately in front of the site as well as exploring the opportunity of providing family movie nights on the rear deck on a special events basis. Staff believes the provision of these amenities and programs align with the vision and the intent of the Waterfront Small Area Plan by creating lively and active spaces for residents and visitors alike and provide a much desired public facility.

Landscaping

Per the Deed of Lease Agreement between the City and the lessee, the landscaped planter boxes located along the western ADA ramps, in front of the Food Court entrance, and along the northern and eastern side of the rear deck, fall outside lease areas 2A and 2B that would be managed by the applicant. The lease agreement defines the landscaping and maintenance of those areas as a responsibility of the City. Given the immediate proximity of the landscaped planter boxes around the perimeter of the site, the applicant has agreed to a maintenance agreement/Adopt-a-Garden program with the City to ensure that the landscaping is maintained to a high quality level desired by the applicant.

While not a part of this application, the applicant will discuss improvements to the landscaped area north of the site across Thompsons Alley with the Department of Recreation, Parks, and Cultural Activities. Additionally, the final design and landscaping of that area will be determined by the flood mitigation and landscape architecture consultants as part of the Waterfront Small Area Plan Implementation process.

Deliveries/Loading

The applicant will only utilize the Torpedo Factory Office Building/Food Court loading and unloading dock that is located off Thompson's alley and immediately adjacent to the restaurant. The applicant is restricted to the designated times for deliveries/loading that are noted as a condition of this approval.

Trash Storage

The applicant will have access to dumpsters maintained in the Torpedo Factory Office Building/Food Court Complex loading and unloading dock area off Thompsons Alley. The trash will be sealed appropriately and stored in the contained dumpsters as stipulated under a condition included in Section IV. The applicant anticipates using two dumpsters per day collected by a commercial collector six (6) days a week.

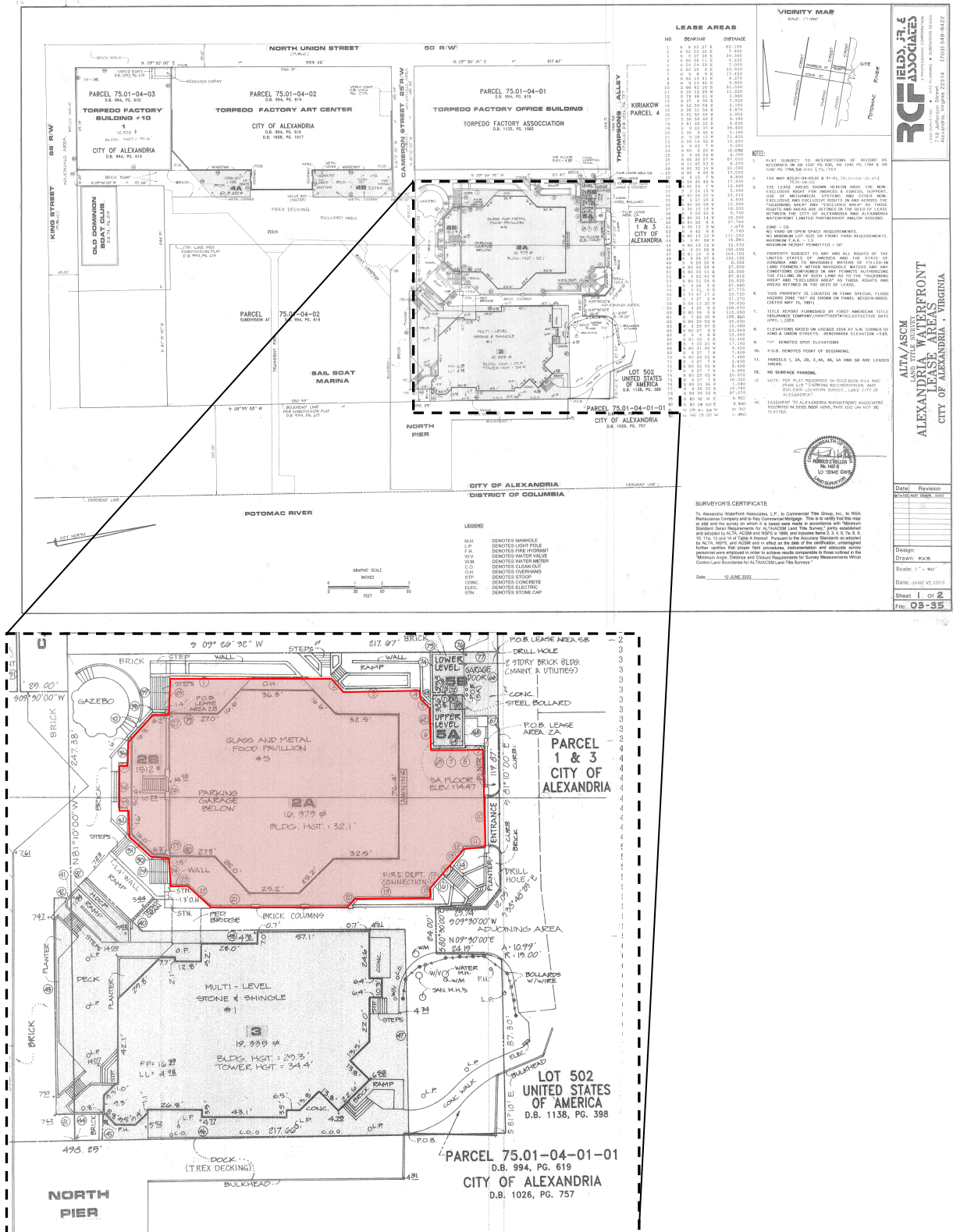
Conclusion

The proposed restaurant with outdoor seating would be an asset to the Waterfront as the City begins implementation of the Waterfront Small Area Plan and advances its goals and objectives to make the area a more vibrant, viable, and active with key amenities, expanded open and public space, and other features that will be engaging and welcoming to residents and visitors alike. Also, it is consistent with the City's other policies and planning efforts to strengthen and sustain the economic and cultural viability of the Waterfront and of the general King Street Retail area. It is located in an area with excellent public transit access in the form of the Water Taxi, the King Street Trolley, bicycle routes, bus service and nearby ample parking. This has been documented in the Old Town Area Parking Study. The proposed restaurant also utilizes the entire Food Court which has been vacant for almost two years. With the following conditions, staff has assessed that this project will be a good neighbor and an asset to the area increasing activity and vibrancy along the waterfront.

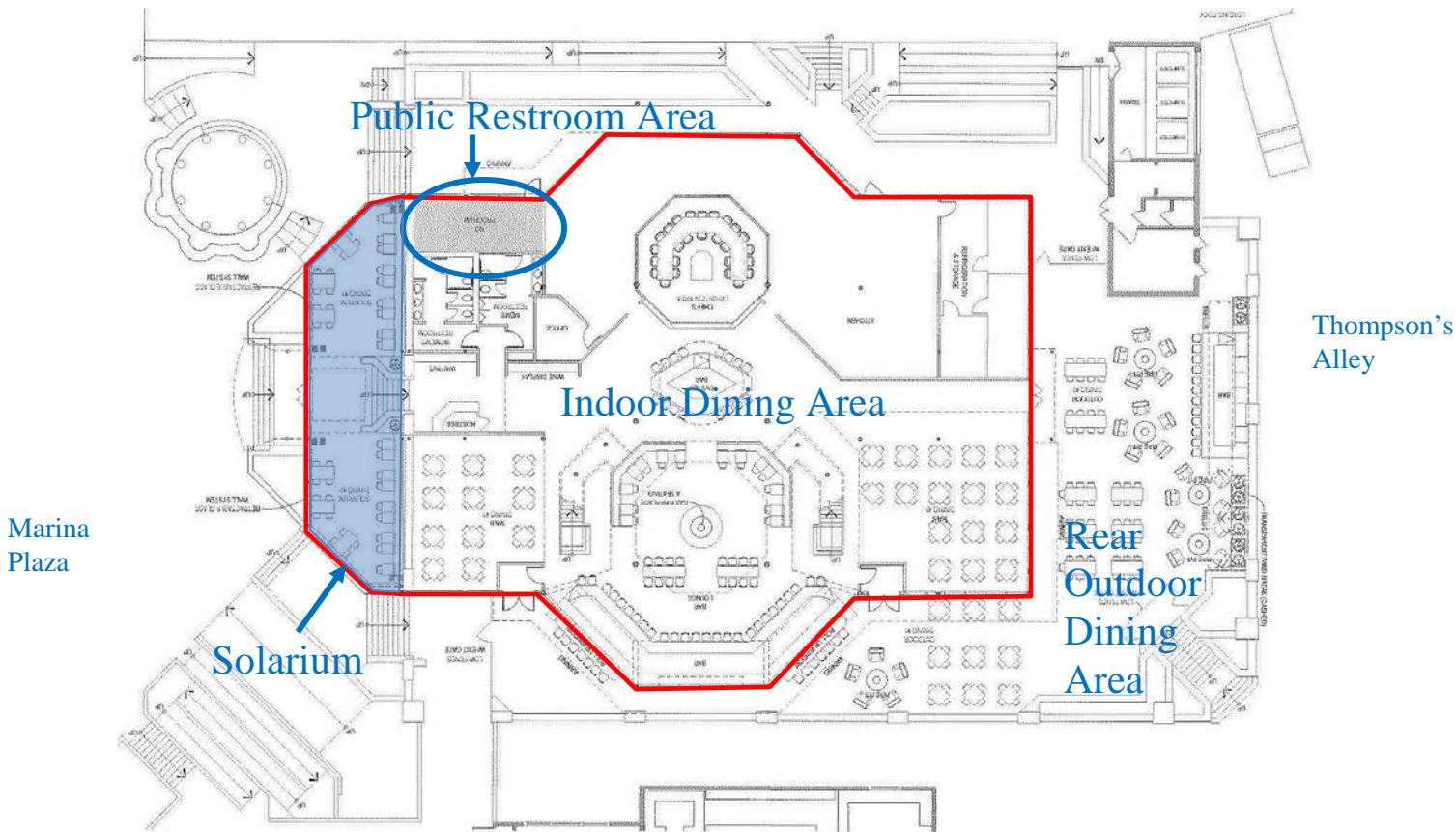
Therefore, staff recommends approval of the SUP subject to the conditions contained in Section IV of this report.

III. GRAPHICS

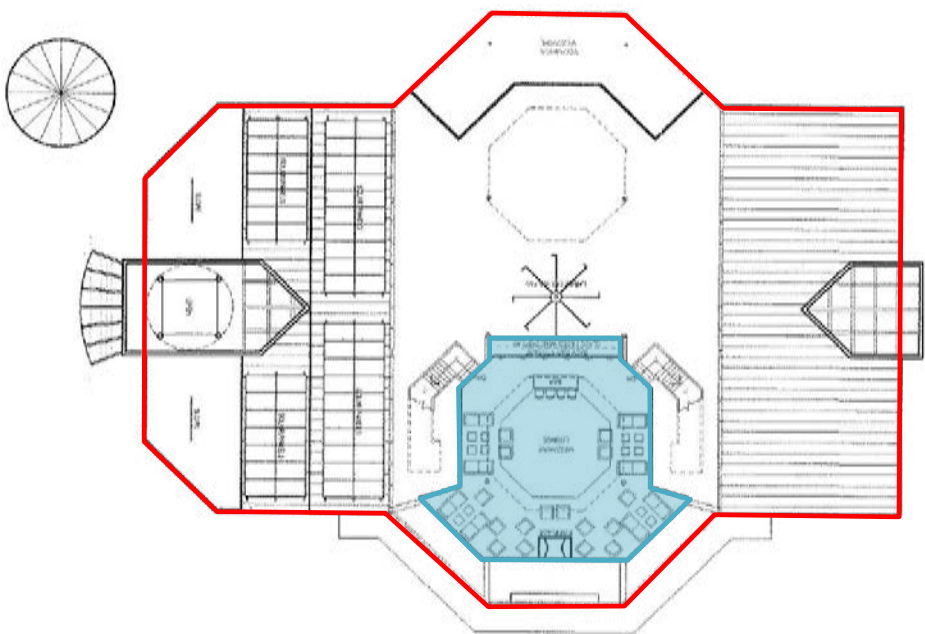
Lease Areas per Lease Agreement



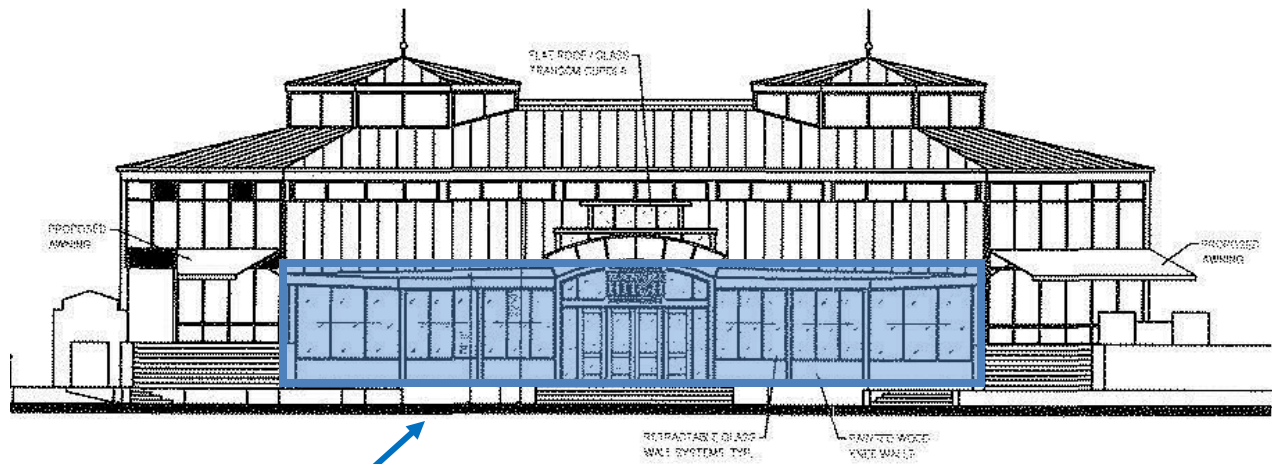
Ground level floor plan



Mezzanine level floor plan



South Elevation from Torpedo Factory Marina



Solarium

IV. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. Whenever there is a conflict between the provisions of the lease between the City of Alexandria and the applicant, and the conditions imposed under this permit, the conditions of this special use permit shall govern, and the lease shall be amended accordingly. (P&Z)
3. The hours of operation for indoor seats shall be limited to between 11:30AM to 2:00AM Monday through Friday, and 7:00AM to 2:00AM Saturday and Sunday. The outdoor dining area shall be closed and cleared of all customers by 11:00PM. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z)
4. For indoor seats, meals ordered before 2:00AM may be sold, but no new alcohol may be served and no new patrons may be admitted after 2:00 AM. All patrons must leave by 3:00 AM. (P&Z)
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
6. On-premises alcohol sales may be offered at the restaurant only. (P&Z)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. The maximum number of total seats at the restaurant shall be 450 seats. (P&Z)
9. The outdoor dining areas shall be limited to the areas delineated on accompanying plan drawings as well as the solarium area if that part of the structure is removed. When outside dining facilities are provided, the outdoor dining area shall be properly maintained to be free of litter and cleaned and washed at the close of each business day that it is in use. (P&Z)
10. The design improvements and alterations to the building including changes to new awnings, glass cupola, and replacement sliding doors, the applicant must receive approval for a Certificate of Appropriateness from the OHAD Board of Architectural Review prior to the installation of these items. Any other exterior changes to the building that are visible from a public-right-of-way, including but not limited to, signs, awnings, windows, roofing /siding material replacement, trellis, fencing, exterior light fixtures, new exterior vents, and any exterior demolition or encapsulation greater than 25 square feet requires approval by the Board of Architectural Review. (P&Z/BAR)

11. The design elements of the outdoor dining area should, be consistent with the appearance and quality standards approved in the King Street Outdoor Dining Design Guidelines; i.e., tables and chairs are not permitted to be white plastic, etc. The applicant shall submit illustrations and specifications to the Director of Planning & Zoning or, if required, the Board of Architectural Review, for review and approval. (P&Z)
12. Amplified sound shall be limited to background music at or below 60 decibels at the property line and shall be discontinued at 11:00 PM or when there is a City-sponsored program in the Marina area. (P&Z)(T&ES)
13. Live entertainment shall be limited to indoors only providing ambient/background music for patrons and should be subordinate to the restaurant use. Noise levels shall not exceed 60 decibels measured at the property line per the Alexandria City Code. On a limited basis, when sound is transmitted to the outdoor dining areas it will be managed through the use of directional speakers and other noise mitigating tools and must be discontinued at 11:00 PM. (P&Z)(TES)
14. No admission or cover fee shall be charged for live entertainment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment to the principal function of the restaurant as an eating establishment by featuring the food service as well as the entertainment. (P&Z)
15. No customer delivery service shall be available from the restaurant. (P&Z)
16. Trash and garbage shall be placed in sealed containers maintained in the Torpedo Factory Office Building/Food Court Complex loading and unloading dock area off Thompsons Alley. The trash shall be sealed appropriately and stored in the contained dumpster which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
17. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
18. The applicant shall require its employees who drive to use off-street parking. In order to achieve this, the applicant shall provide employees who use mass transit with subsidized bus and rail fare media and also provide subsidies for off street parking. The applicant shall also post DASH and Metrobus schedules on-site for employees. Furthermore, the applicant shall conduct a survey of all of its employees every six months to document the method each employee uses to get to work as well as the exact locations where each employee who drives parks his/her car. The results of each survey shall be provided to the City upon request. (P&Z)(T&ES)

- a. Employees who drive to work must park off-street, preferably in the Thompson Alley garage according to the terms of lease between the City and the tenant.
 - b. If the Director of Planning and Zoning and the Director of Transportation and Environmental Services find parking conditions in the area to be impacted by on-street employee parking based on the biannual employee parking survey results conducted by the applicant, the applicant shall lease employee parking spaces in off-street facilities.
19. The applicant shall provide membership in the Capital Bikeshare program to its employees who request to participate.
20. The applicant will encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website and through subsidies for off-street parking by way of the offering of a one dollar (\$1) off discount on the cost of the meal order for each diner that presents a parking space ticket to restaurant staff at the time the patron requests its bill.
- a. The City will monitor on- and off-street parking in Old Town as milestones in Waterfront Plan implementation occur, as outlined in the Waterfront Small Area Plan and discussed by the Old Town Area Parking Study (OTAPS) work group.
 - b. If the Director of Planning and Zoning and the Director of Transportation and Environmental Services find parking conditions in the area to be significantly impacted by patron parking, the applicant will take steps to mitigate that impact, such as participating in a citywide parking valet program (if offered by the City at that time) or provide a private valet service to increase the capacity of the Thompson Alley Garage and to utilize other off-street parking options.
21. The applicant shall comply with the Parking Plan submitted with the revised application, dated November 8, 2013, which is hereby incorporated into this Special Use Permit. Modifications to the Parking Plan as required shall be made to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (T&ES)(P&Z)
22. The proposed fire pits located on the rear deck shall meet all appropriate building and fire prevention requirements to the satisfaction of the Alexandria Fire Department and Fire Marshall. (P&Z)
23. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
24. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)

25. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
26. The applicant shall only utilize the Torpedo Factory Office Building/Food Court loading and unloading dock that is located off Thompsons alley for deliveries and refuse removal. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00PM and 7:00AM. (P&Z)(T&ES)
27. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
28. The applicant shall be responsible for the maintenance and landscaping within planter boxes located immediately adjacent to the property on the west, east, and the southern elevations of the site through a maintenance agreement/adopt-a-garden program between the applicant and the City. (RPCA)(P&Z)
29. The applicant shall provide utility connections and rough-in construction for public restrooms to serve the Marina and Waterfront. The City acknowledges that it is responsible for the final design and finishing as well as the operations and maintenance of the public restrooms. Should such a time occur that the City determine an alternate location for public restrooms along the Torpedo Factory Marina Plaza area, the area designated for public restrooms shown on the plan drawings will revert back to the control of the lessee once other public restrooms become available on the Waterfront. (RPCA)
30. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Richard Lawrence, AICP, Urban Planner
 Alex Dambach, AICP, Division Chief
 Nancy Williams, AICP, Principal Planner

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - Code Requirement R - Recommendation S - Suggestion F - Finding

P&Z - BAR:

- F-1 The subject property, 5 Cameron Street is located in the locally regulated Old and Historic Alexandria District (OHAD); therefore all exterior alterations, including signs, are subject to approval by the Board of Architectural Review (BAR).
- F-3 The applicant indicates on the proposed plans that intended exterior changes include new awnings, glass cupola, and replacement sliding doors. The applicant must receive approval for a Certificate of Appropriateness from the OHAD Board of Architectural Review prior to the installation of these items. The applicant is reminded that any other exterior changes to the building that is visible from a public-right-of-way, including but not limited to, new signs, awnings, window replacements, roofing or siding material replacement, fencing, exterior light fixtures, new exterior vents, and any exterior demolition or encapsulation greater than 25 square feet requires approval by the Board of Architectural Review. It is the applicant's responsibility to inform BAR Staff should such issues develop.

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-4 Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is open to the public. (T&ES)
- R-5 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- R-6 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

- R-7 In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Code Enforcement:

- F-1 The following comments are for SUP review only. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Division Chief at ken.granata@alexandriava.gov or 703-746-4193.
- C-1 Building and trades permits are required for the request to operate a full service restaurant in the former Torpedo Factory Food Court. Six sets of *construction documents* sealed by a *Registered Design Professional* that fully detail the construction as well as layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s) The building official shall be notified in writing by the owner if the registered design professional in the responsible charge is changed or is unable to continue to perform the duties.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

Health:

Food Facilities

1. An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
2. Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
3. Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
4. Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
5. A Certified Food Manager shall be on-duty during all operating hours.

6. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
7. Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Fire Department:

- F-1 Applicant will need to apply for appropriate fire prevention permits. At a minimum, applicant will need one for assembly occupancy, but a final determination will be made once the operational characteristics are provided.
- F-2 Applicant will need to apply for all required construction permits including fire protection, electrical, mechanical, plumbing, and building.
- F-3 As new information becomes available and as necessary, additional comments will be provided.

Police Department:

- F-1 The applicant is seeking an “ABC On” license only. The Police Department has no objections.
- R-1 The Police Department requests that the SUP is reviewed after one year to ensure applicant is compliant with Planning and Zoning recommendations and that the hours has not caused an increase in nuisance crime.

Parks and Recreation:

- F-1 No Comment